THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2677 of 2007

Date: 13.02.2007

Between:

Uskamala Bhagya.

....Petitioner

And

The Government of Andhra Pradesh, Medical and Health Department, Secretariat Buildings, Hyderabad Rep., by its Chief Secretary and others.

....Respondents

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O R D E R:

Petitioner states that she went to Primary Health Center, Kundaram Village, Adilabad District, for treatment on 22.11.2005, when she felt that a dust particle had fallen into her left eye and was suffering from it. A Doctor, by name Ganesh Rao, examined her and prescribed the medicine to be administered in the Health Center itself. On the basis of the prescription, an employee of the Health Center is said to have put some drops in both the eyes. According to the petitioner, soon after the drops were put in the eyes, the left eye started swelling and that she felt burning sensation. The pain is stated to have increased to unbearable levels. So much so, she has fallen unconscious. The petitioner states that on account of administering a wrong medicine, the said development has taken place and that the vision of the left eye had completely been blurred. The Medical Officers, who have examined thereafter, are said to have expressed the view

that some Homeopathy drops were mistakenly administered to the eyes. The grievance of the petitioner is that though she has taken the matter to various authorities, she has not been compensated so far and seeks appropriate relief in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Medical Health and Family Welfare.

The basis for the claim of the petitioner is the alleged negligence on the part of the Doctors, who treated her for an ailment in the eye. By their very nature, the allegations into negligence on the part of a Medical Officer, need specific pleadings and relevant evidence. In the absence of the same, it would be difficult for the Court to arrive at a conclusion, whether as regards the alleged negligence or the quantum of compensation to be paid therefor. When the same is pointed out, the learned counsel for the petitioner submits that his client is a very poor woman hailing from a remote place in the Adilabad District and she cannot afford to pay the Court fee. This Court is of the view that the petitioner can file a suit as an

indigent person and there must not be any difficulty in pursuing the remedy.

Having regard to the facts and circumstances of the case, the Writ Petition is disposed of, leaving it open to the petitioner to pursue her remedies in a civil Court. It is directed that in case, the petitioner files a suit as an indigent person, the concerned application shall be dealt with by the trial Court, as expeditiously as possible, and the suit be tried in accordance with law. There shall be no order as to costs.

13.02.2007

JSU